

1  
2  
3  
4  
5  
6  
7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9 **AT SEATTLE**

10 ADRIENNE BENSON and MARY  
11 SIMONSON, individually and on behalf of all  
others similarly situated,

12 *Plaintiffs,*

13 v.

14  
15 DOUBLEDOWN INTERACTIVE, LLC, a  
16 Washington limited liability company, and  
INTERNATIONAL GAME TECHNOLOGY,  
17 a Nevada corporation,

18 *Defendants.*  
19

Case No. 18-cv-00525-RSL

**UNOPPOSED MOTION TO STRIKE  
AND REPLACE**

20 In an effort to narrow the Parties' disputes over Plaintiffs' motion for class certification  
21 and a preliminary injunction, Dkt. 165, Plaintiffs have agreed to file this motion seeking to strike  
22 sixteen documents from the record and to replace fifteen of those documents with narrowed  
23 versions. The motion is unopposed.<sup>1</sup>  
24  
25

26 <sup>1</sup> Defendants specifically state that they "do not oppose the relief sought by this motion, but do not  
27 necessarily agree with Plaintiffs' descriptions of the issues or of the Parties' positions regarding the issues.  
Defendants reserve all arguments and evidentiary objections to the Exhibits as redacted."

1        *First*, in order to resolve a dispute over the admissibility of a letter Professor Natasha  
 2 Dow Schüll sent to the Washington State Gambling Commission in August 2018, *see* Dkt. 166-  
 3 6, Plaintiffs have agreed to request that the letter—and the lone reference to it in Plaintiffs’  
 4 Motion, *see* Dkt. 165 at 23:26-24:2—be stricken from the record.

5        *Second*, in order to resolve or at least narrow a dispute over whether Plaintiffs’ class  
 6 certification and preliminary injunction motion introduces a new theory—specifically, that the  
 7 results of spins in DoubleDown games are not randomized (*i.e.*, that the games are “rigged”)—  
 8 Plaintiffs have agreed to strike fifteen class member declarations from the record and replace  
 9 them with partially-redacted versions that do not include any statements to that effect.<sup>2</sup> The  
 10 partially-redacted versions are attached hereto as Exhibit 1-15.

11        Plaintiffs respectfully request that the Court grant this unopposed motion.

12  
 13 Dated: March 5, 2021

Respectfully submitted,

14        **ADRIENNE BENSON and MARY SIMONSON**  
 15 individually and on behalf of all others similarly  
 16 situated,

17 By: /s/ Todd Logan

18        Rafey S. Balabanian\*  
 19 rbalabanian@edelson.com  
 20 Todd Logan\*  
 21 tlogan@edelson.com  
 22 Brandt Silver-Korn\*  
 23 bsilverkorn@edelson.com  
 24 EDELSON PC  
 25 123 Townsend Street, Suite 100  
 26 San Francisco, California 94107  
 27 Tel: 415.212.9300 / Fax: 415.373.9435

---

2        <sup>2</sup> For the avoidance of doubt, Plaintiffs’ class certification and preliminary injunction motion does not argue  
 that the results of any particular slot machine “spin” within the DoubleDown games are not randomized. Further,  
 Plaintiffs agree that Professor Natasha Dow Schüll was not offered as either an expert or percipient witness.

1 By: /s/ Alexander G. Tievsky

2 Jay Edelson\*  
3 jedelson@edelson.com  
4 Alexander G. Tievsky, WSBA #57125  
5 atievsky@edelson.com  
6 Amy B. Hausmann\*  
7 abhausmann@edelson.com  
8 EDELSON PC  
9 350 N LaSalle Street, 14th Floor  
10 Chicago, IL 60654  
11 Tel: 312.589.6370 / Fax: 312.589.6378  
12

13 By: /s/ Cecily C. Shiel  
14 Cecily C. Shiel, WSBA #50061  
15 cshiel@tousley.com  
16 TOUSLEY BRAIN STEPHENS PLLC  
17 1700 Seventh Avenue, Suite 2200  
18 Seattle, Washington 98101-4416  
19 Tel: 206.682.5600  
20

21 \*Admitted *pro hac vice*  
22  
23  
24  
25  
26  
27

**ORDER**

Plaintiffs' unopposed motion is **GRANTED**.

Dkt. # 166-6 is stricken from the record. Line 26 of page 23 through line 2 of page 24 of Dkt. # 165 is also stricken from the record.

Dkts. # 169-172, 174, 176-182, and 184-186 are stricken and replaced with Exhibits 1-15 to Plaintiffs' Unopposed Motion to Strike and Replace, Dkt. # 201.

Dated this 8th day of March, 2021.

  
ROBERT S. LASNIK  
UNITED STATES DISTRICT JUDGE